IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 4352 of 2004

SULTAN SINGH & ANR.
V/S
JUDGE,M.A,C.T.BHADRA & ORS.

Mr. SD GOSWAMI, for the appellant / petitioner

Date of Order : 6.10.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The learned Tribunal has passed an award on No Fault Liability basis being Annexure-5 which is under challenge in this writ petition. Suffice it to say that such an award is appealable under Section 173 of the Motor Vehicles Act, as such I am not inclined to entertain the writ petition.

It is sought to be contended by the learned counsel for the petitioner that as a matter of fact, the matter had been compromised between the parties way back on 11.7.2000 itself, and a sum of Rs. 1,25,000/- were paid in full and final settlement of the entire claim, as such the award could not be nor any application under Section 140 could be made.

Suffice it to say that all these objections could be raised by the petitioner in appeal. In that view of the matter, the writ petition is dismissed. The petitioner may file an appeal against the impugned award Annexure-5, and this dismissal of writ petition will not come in the way of the petitioner.

(N P GUPTA),J.

/Sushil/